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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,880

06/14/2005

Hidehiro Uematsu

7217/73586

5121

530 7590 08/20/2007  
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EXAMINER

BUI, HUNG S

ART UNIT

PAPER NUMBER

2841

MAIL DATE

DELIVERY MODE

08/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

3/

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,880	<b>Applicant(s)</b> UEMATSU ET AL.	
	<b>Examiner</b> Hung S. Bui	<b>Art Unit</b> 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08/02/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

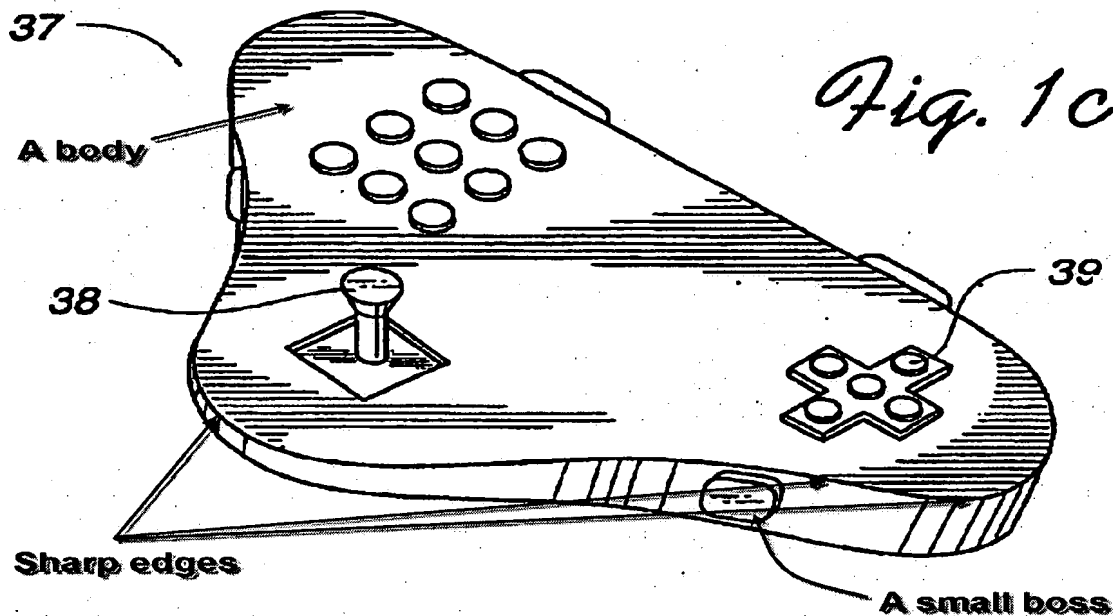
### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schena et al. [US 7,106,313] in view of Kim [US 6,036,287].

**Regarding claim 1**, Schena et al. disclose a casing body (37, figure 1c) having a sharp edge (see figure 1c below) and a small boss (see figure 1c below) positioned such that a user's hand or finger can contact both the sharp edge and the small boss at the same time (column 12, lines 41-43), wherein the small boss is provided at a position that allows a force from a contact of the user's hand or finger at the sharp edge to be dispersed to the sharp edge and the small boss (see figure below).



Schena et al. disclose the instant claimed invention except for the small boss being formed of a corner position of the casing body.

Kim discloses a portable electronic device (100, figures 1 and 3) including at least one small boss (a small boss above a support element 102 at a corner of the portable electronic device as shown in the figure 3) at the corner or the casing of the portable electronic device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the mounting position design of Kim in Schena et al., for the purpose of providing rigidity each corner of the portable electronic device.

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schena et al. [US 7,106,313].

**Regarding claim 3,** Schena et al. disclose a casing (37, figure 1c), a casing comprising: a main body (figure 1c); a front surface panel having a number of sides (see figure 1c) arranged at one end of the main body such that a sharp edge (see figure 1c above) is formed at a corner thereof; and a small boss (see figure 1c above) located "near the corner" such that a user's finger or hand can contact force associated with the contact of the user's finger or hand thereat dispersed to the edge and the boss.

Schena et al. disclose the instant claimed invention except for the casing being used for an audio device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the casing of Schena et al. in a casing of audio device such as cellphone, PDA, MP3, MP4 and portable electronic device, in order to grasp the electronic portable devices by user's fingers.

**Regarding claim 4,** Schena et al. disclose the instant claimed invention except for the small boss being formed of a semi-spherical shape.

It would have been obvious to one of ordinary skill in the art at the time the invention was made the semi-spherical shape of the small boss of Schena et al., for the purpose of enabling grasping the casing body.

**Regarding claim 5,** Schena et al. appears to disclose the boss being located approximately 0.1 millimeters of less from the edge (see figure 1c).

***Allowable Subject Matter***

5. Claim 2 is allowed.
6. The following is an examiner's statement of reasons for allowance: Claim 2 has been rewritten in an independent claim. Therefore, Claim 2 is allowable as the same reason for allowance indicated from the previous official action mailed on 08/24/2006.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

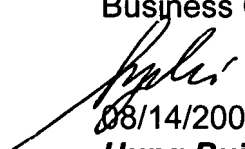
- Baleta et al. [US 2005/0114080] disclose modular telecommunication test unit;
- Swenson et al. [US 3,782,584] disclose pill box having safety sliding closure;
- Kit et al. [US D 503,750] discloses video game console; and
- Vinogradov [US 6,664,947] discloses safe and handy pointing device.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S. Bui whose telephone number is (571) 272-2102. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



08/14/2007

**Hung Bui**

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